IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

WP(C).No. 4954 of 2006(M)

PETITIONERS:

1. **SHIBU.S., JUNIOR HEALTH INSPECTOR GRADE I, PRIMARY HEALTH CENTRE, VAKKOM, TRIVANDRUM.**
2. **HARIPRASAD.B, JUNIOR HEALTH INSPECTOR GRADE I, COMMUNITY HEALTH CENTRE, KANYAKULANGARA, TRIVANDRUM.**
3. **SHINE.P.S., JUNIOR HEALTH INSPECTOR GRADE I, PRIMARY HEALTH CENTRE, MANAMBOOR, TRIVANDRUM.**
4. **RAJKUMAR.S, JUNIOR HEALTH INSPECTOR GRADE I, COMMUNITY HEALTH CENTRE, VAMANAPURAM, TRIVANDRUM.**
5. **HARI KISHORE.T.K, HEALTH ASSISTANT, GOVT. ADMINISTRATIVE SECRETARIAT, TRIVANDRUM.**
6. **V.S.SOORAJ, JUNIOR HEALTH ASSISTANT, GOVT. ADMINISTRATIVE SECRETARIAT, TRIVANDRUM.**
7. **SHAJI.K, JR. HEALTH INSPECTOR, R.H.C.VAKKOM, TRIVANDRUM.**
8. **V.S.AJITH KUMAR, JR.HEALTH INSPECTOR, COMMUNITY HEALTH CENTRE, KESAVAPURAM.**
9. **SHENOY.S, JR.HEALTH INSPECTOR, P.H.CENTRE, KEEZHATHINGAL.**

W.P.(C) NO. 4054/2006

**10. UDAYAKUMAR.R, JR. HEALTH INSPECTOR
GRADE I, PUBLIC HEALTH CENTRE,
VENGOOR, ERNAKULAM DISTRICT.**

**BY ADV. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI**

RESPONDENTS:

**1. STATE OF KERALA,
REP. BY THE SECRETARY TO GOVERNMENT,
HEALTH & FAMILY WELFARE DEPT.,
GOVERNMENT SECRETARIAT,
TRIVANDRUM.**

**2. THE DIRECTOR OF HEALTH SERVICES,
TRIVANDRUM.**

**3. THE KERALA PUBLIC SERVICE COMMISSION,
PATTOM, TRIVANDRUM, REP. BY ITS SECRETARY.**

**4. SHRI.G.MANOJ, JUNIOR HEALTH INSPECTOR
GRADE I, PRIMARY HEALTH CENTRE,
THANNEERMUKKAM, ALAPPUZHA DISTRICT.**

ADDL. R5 & R6 IMPLEADED

**ADDL.5 . K.P.JAYACHANDRAN, JUNIOR HEALTH INSPECTOR
GRADE I, PRIMARY HEALTH CENTRE,
UDUMBAMTHALA KASARAGOD.**

**6. K.V.GIRISH, JUNIOR HEALTH INSPECTOR GRADE I,
PRIMARY HEALTH CENTRE, PAYANGODI, KANNUR.**

ADDL. R5 & R6 IMPLEADED AS PER ORDER DT. 11.1.07 IN IA. 17299//06.

**BY ADV. SMT.V.P.SEEMANDINI (SR.)
GOVERNMENT PLEADER SRI.P.NANDAKUMAR
SRI.M.SASINDRAN
SRI.TOJAN J. VATHIKULAM**

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO. 4954/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE GO(MS) 24/89/H&FWD DT. 23.1.89.

EXT.P2:- COPY OF THE ORDER DT. 19.9.98 PROMOTING THE 4TH PETITIONER AS JUNIOR HEALTH INSPECTOR GRADE II.

EXT.P3:- COPY OF THE CERTIFICATE DT. 29.6.00 FOR IN SERVICE TRAINING UNDER THE MULTI PURPOSE HEALTH WORKERS SCHME, IN RESPECT OF THE 3RD PETITIONER.

E.XT.P4:- COPY OF THE CERTIFICATE DT. 24.7.02 REGARDING COMPLETION OF TRAINING COURSE OF PETITIONERS 1 TO 4.

EXT.P5:- COPY OF THE RELEVANT EXTRACT OF THE COMBINED GRADATION LIST PUBLISH VIDE ORDER NO.ES2-47321/00/DHS 22.11.03 BY 2ND RESPONDENT IN RESPECT OF JUNIOR HEALTH INSPECTOR GRADE II FOR THE PERIOD FROM 1.1.97 TO 31.3.00.

EXT.P6:- COPY OF THE RELEVANT EXTRACT OF THE ORDER NO.EG-3-39339/02/DHS. DT. 7.4.04 PROMOTING PETITIONERS 1 TO 9 WERE PROMOTED AS JUNIOR HEALTH INSPECTOR GRADE I

EXT.P7:- COPY OF THE ORDER NO.ES2-4731/00/DHS DT. 30.11.04 OF THE 2ND RESPONDENT.

EXT.P8:- COPY OF THE JUDGMENT DT. 23.5.00 IN OP. NO.6544/95, 14825/97 AND 29237/99 OF THIS HONOURABLE COURT.

EXT.P9:- COPY OF THE JUDGMENT DT. 24.11.00 IN WA. 2284/00 AND CONNECTED CASES OF THIS HONOURABLE COURT

EXT.P10:- COPY OF THE CLARIFICATION ORDER DT. 19.3.04 OF THE DIVISION BENCH OF THIS HONOURABLE COURT IN WA.2284/00 AND CONNECTED CASES.

EXT.P11:- COPY OF THE JUDGMENT DT. 25.3.04 IN WP(CV) N0.10496/04 OF THIS HONOURABLE COURT.

E.XT.P12:- COPY OF THE REPRESENTATION DT. 11TH MARCH, 2005 SUBMITTED BY THE PETITIONERS BEFORE THE 1ST RESPONDENT.

EXT.P13:- COPY OF THE JUDGMENT DT. 16.3.05 IN WP(C) NO.7636/05 OF THIS HONOURABLE COURT.

EXT.P14:- COPY OF THE REPLY DT. 4.7.05 ISSUED BY THE 1ST RESPONDENT.

Antony Dominic, J.

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W.P(C).No.4954 of 2006

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Dated this the 14th day of August, 2007.

JUDGMENT

Ext.P7 is the revised seniority list issued by the first respondent against which the petitioners filed Ext.P12 appeal under Rule 27B of the K.S & S.S.R. This Court by Ext.P13 judgment directed consideration of their appeal and the appeal has been decided by Ext.P14 rejecting the contentions of the petitioners. It is stated in Ext.P14 that Ext.P7 seniority list was revised in order to comply with the judgment of this Court in W.P.(C) No.10496 of 2004, which is Ext.P11 in this Writ Petition.

2. Two points are raised by the counsel for the petitioner. One is that Ext.P14 order does not contain any reason and that by Ext.P11 judgment referred to in Ext.P14, Government had undertaken that general hearing will be arranged and the same has not been complied with.

3. In Ext.P14, apart from the reference made to Ext.P11 judgment of this Court, the grounds on which Ext.P12 has been

rejected are not mentioned and therefore the order reflects non-application of mind by the first respondent and on that ground itself, Ext.P14 deserves to be quashed. It is also noted that the general hearing undertaken in Ext.P11 has not been complied with, which will also vitiate Ext.P14.

4. In the circumstances, Ext.P14 will stand quashed and the first respondent is directed to reconsider Ext.P12 and take a decision thereon. Before final orders are passed, the first respondent is also directed to comply with Ext.P11 wherein general hearing was undertaken to be arranged. This exercise shall be completed by the first respondent within a period of three months from the date of receipt of a copy of this judgment.

Writ Petition is disposed of as above.

Antony Dominic,
Judge.

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